

|  |  |  |
|--|--|--|
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |  | ATTORNEY'S DOCKET NUMBER<br>09857/0202272-USO<br>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/520901</b> |
| INTERNATIONAL APPLICATION NO.<br>PCT/JP2003/08573  | INTERNATIONAL FILING DATE<br>7 July 2003 | PRIORITY DATE CLAIMED<br>8 July 2002   |
| TITLE OF INVENTION    ONCOLYTIC VIRUS REPLICATING SELECTIVELY IN TUMOR CELLS   |  |  |
| APPLICANT(S) FOR DO/EO/US    Toshiyoshi Fujiwara et al.  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |
| 1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.<br>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.<br>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.<br>4. <input type="checkbox"/> The US has been elected (Article 31).<br>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))<br>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> has been communicated by the International Bureau.<br>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).<br>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).<br>a. <input type="checkbox"/> is attached hereto.<br>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).<br>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))<br>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).<br>b. <input type="checkbox"/> have been communicated by the International Bureau.<br>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<br>d. <input type="checkbox"/> have not been made and will not be made.<br>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).<br>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).<br>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). |  |  |
| <b>Items 11 to 20 below concern document(s) or information included:</b>   |  |  |
| 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.<br>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.<br>13. <input checked="" type="checkbox"/> A preliminary amendment.<br>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.<br>15. <input type="checkbox"/> A substitute specification.<br>16. <input type="checkbox"/> A power of attorney and/or change of address letter.<br>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.<br>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).<br>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).<br>20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mailing Under 37 CFR 1.10; Check in the amount of \$1,000.00; Return Receipt Postcard  |  |  |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                             |   |                  |   |                 |
|---|-----------------------------|---|------------------|---|-----------------|
| 10/520901   |                             | INTERNATIONAL APPLICATION NO.<br>PCT/JP2003/08573                             |                  | ATTORNEY'S DOCKET NUMBER<br>09857/0202272-US0 |                 |
| 21. The following fees are submitted:   |                             |   |                  | Applicant Use                                 | Office Use Only |
| <input checked="" type="checkbox"/>   | a) Basic national fee ..... |   | \$300.00         | \$ 300.00                                     |                 |
| <input checked="" type="checkbox"/>   | b) Examination fee .....    |   | \$200.00         | \$ 200.00                                     |                 |
| <input checked="" type="checkbox"/>   | c) Search fee .....         |   | \$500.00         | \$ 500.00                                     |                 |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                             |   | <b>\$1000.00</b> | <b>\$ 1,000.00</b>                            |                 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.  |                             |   |                  |   |                 |
| Total Sheets  | Extra sheets                | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE             |   |                 |
| 13 - 100 =  | /50 =                       |   | x \$250.00       |   |                 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).   |                             |   |                  | \$  |                 |
| CLAIMS  | NUMBER FILED                | NUMBER EXTRA  | RATE             |   |                 |
| Total claims  | 11 - 20 =                   |   | x                | \$  |                 |
| Independent claims  | 1 - 3 =                     |   | x                | \$  |                 |
| MULTIPLE DEPENDENT CLAIM(s) (if applicable)   |                             |   | +                | \$  |                 |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>  |                             |   |                  | <b>\$ 1,000.00</b>                            |                 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.  |                             |   |                  | \$  |                 |
| <b>SUBTOTAL =</b>   |                             |   |                  | <b>\$ 1,000.00</b>                            |                 |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).  |                             |   |                  | \$  |                 |
| <b>TOTAL NATIONAL FEE =</b>   |                             |   |                  | <b>\$ 1,000.00</b>                            |                 |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property   |                             |   |                  | \$  |                 |
| <b>TOTAL FEES ENCLOSED =</b>  |                             |   |                  | <b>\$ 1,000.00</b>                            |                 |
| Amount to be refunded:  |                             |   |                  | \$  |                 |
| Amount to be charged:   |                             |   |                  | \$  |                 |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 1,000.00 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 04-0100. A duplicate copy of this sheet is enclosed.<br>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038. |                             |   |                  |   |                 |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.   |                             |   |                  |   |                 |
| SEND ALL CORRESPONDENCE TO:   |                             |   |                  |   |                 |
| Joseph R. Robinson<br>DARBY & DARBY P.C.<br>P.O. Box 5257<br>New York, New York 10150-5257<br>(212) 527-7783<br>CUSTOMER NUMBER: 07278  |                             |   |                  |   |                 |
| SIGNATURE:  |                             |   |                  | Chris T. Mizumoto                             |                 |
| NAME  |                             |   |                  |   |                 |
| REGISTRATION NUMBER   |                             |   |                  | 42,899  |                 |

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 09857/0202272-US0

**Certificate of Express Mailing Under 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as  
Express Mail, Airbill No. in an envelope addressed to:

**EJ 382054743-US**  
MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on January 7, 2005  
Date

*B.W. Lee*

Signature

*B.W. LEE*

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Letter to the United States Designated-Elected Office (2 pp)  
Application Data Sheet (4 pp)  
Translation of International Application No. PCT/JP2003/008573 (11 pp);  
Claims (1 pg); Abstract (1 pg)  
Drawings (Figs. 1-9; 9 sheets)  
First Preliminary Amendment (5 pp)  
Statement Pursuant to 37 CFR 1.821(f)(2 pp)  
Sequence Listing (5 pp) w/a disk  
Check in the amount of \$1,000.00 **CF# 7257**  
Return Receipt Postcard